

# Court action to resolve your CTP claim

You have three years from the date of your motor vehicle accident to issue a court action to resolve your claim with your CTP Insurer.

## Your obligations

If you were 18 years of age or over at the date of the accident and your claim is not resolved within three years, the law requires you to issue a court action. This is to protect your rights.

If you miss this deadline, you may be unable to recover compensation for damages or legal costs (see [Regulator Rule 20](#) on the CTP Regulator website [www.ctp.sa.gov.au](http://www.ctp.sa.gov.au)).

## Your CTP Insurer's obligations

The CTP Insurer managing your claim must inform you in sufficient time of this deadline for you to meet your legal requirements.

It is therefore important for you to always accept contact from your insurer.

They must explain your legal rights and obligations about issuing a court action, and the steps for you to take before doing so. There are also court rules that apply to issuing a court action (see the *Uniform Civil Rules 2020* at [www.courts.sa.gov.au](http://www.courts.sa.gov.au)).

## Steps before issuing a court action

1. Inform your insurer of your intention to issue a court action at least two months before the three-year deadline. This will provide sufficient time to try to resolve your claim or, if that is not possible, for your insurer to inform you of the steps required to issue a court action.
2. Provide your insurer with a pre-action claim, unless an exemption applies

under the Uniform Civil Rules 2020. A pre-action claim is a written notification from you to the insurer, informing them of your intention to issue a court action (see [Regulator Rule 19.2](#)).

3. On receiving your pre-action claim, your insurer must respond in writing within 30 days (or at a later date if agreed with you) taking one of the following actions:
  - Accepting your offer
  - Making a counter-offer
  - Stating if liability is denied and explaining why
  - Accepting your proposed date and time for a pre-action meeting, or suggesting alternative arrangements
  - Arranging a dispute resolution such as a conciliation conference (see [Regulator Rule 21.4](#)).

## Issuing a court action

If your claim remains unresolved after pre-action activities, the law requires you to issue a court action. Contact your insurer and request for each step of the process to be explained to you.

### Further information is available at:

- [www.ctp.sa.gov.au/for-injured-people/legal-advice](http://www.ctp.sa.gov.au/for-injured-people/legal-advice)
- <https://www.ctp.sa.gov.au/for-injured-people/how-to-settle/offers>
- <http://www.law.adelaide.edu.au/free-legal-clinics/magistrates-court-legal-advice-service>.